

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SARAH MCCARTY,

Plaintiff,

VS.

Case No. 3:22-cv-01852-DWD

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 3). Such a motion may be granted if Plaintiff proves indigence by submitting an affidavit that includes a statement of her assets and shows she is unable to pay fees or security. *See* 28 U.S.C. § 1915(a)(1). The Court may deny Plaintiff's motion and dismiss the action if it is frivolous or malicious, which means Plaintiff cannot make a rational legal or factual argument to support her claims. *See id.* § 1915(e)(2)(B)(i); *Ledbetter v. Commissioner of Social Security*, No. 20-912, 2020 WL 6395491, at *1 (S.D. Ill. 2020).

Here, the Court is satisfied, based on Plaintiff's affidavit, that she is indigent. Further, the record does not suggest Plaintiff's claims are frivolous or malicious. Therefore, the Court **GRANTS** Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* without prepayment of fees and costs. The Court notes that it may dismiss this action, at any time, if it is deemed frivolous or malicious. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

If Plaintiff wishes for the United States Marshals Service to serve process in this case, Plaintiff shall provide the United States Marshals Service with a summons issued in this case, completed USM-285 forms, and sufficient copies of the Complaint (Doc. 1). The Court **DIRECTS** the United States Marshal, upon receipt of the those documents, to serve a copy of the summons, Complaint, and this Order on Defendant, the United States Attorney for the Southern District of Illinois, and the Attorney General of the United States, pursuant to Federal Rule of Civil Procedure 4(c)(3) and in the manner specified by subsection (i)(1) & (2) of that rule. Costs of service shall be borne by the United States.

SO ORDERED.

Dated: August 16, 2022

/s David W. Dugan

DAVID W. DUGAN
United States District Judge